

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Malcolm James

No.

(To be filled out by Clerk's Office)

Write the full name of each plaintiff.

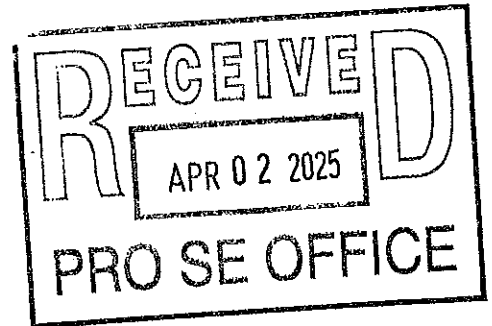
-against-

COMPLAINT
(Prisoner)

Do you want a jury trial?
☒ Yes ☐ No

C.O. Bentley, C.O. Turner, Sgt Gernot, N.Y.S.,
Collins C.F., Docos, Superintendent Kelly, Dept of
Program Vannote, Sgt Lewis, C.O. Jane Doe, C.O. John Doe,
Sgt John Doe, Dr. Jin, C.O. Jones

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: Inadequate Medical Care, Access to Court, Retaliation, Deliberate Indifference

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Malcolm

S

~~James~~ James

First Name

Middle Initial

Last Name

Malcolm James Pitt

State any other names (or different forms of your name) you have ever used; including any name you have used in previously filing a lawsuit.

2381367

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Collin Correctional Facility

Current Place of Detention

P.O. Box 340

Institutional Address

Collins

NEW YORK

14034 - 0340

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

DEPT VanNote
 First Name Last Name Shield #
 Deputy of Programs
 Current Job Title (or other identifying information)
 Collins Correctional Facility P.O. Box 340
 Current Work Address
 Collins New York 14034-0340
 County, City State Zip Code

Defendant 2:

Superintendent Kelly
 First Name Last Name Shield #
 Superintendent of Collins Corrections
 Current Job Title (or other identifying information)
 Collins Corr Fac P.O. Box 340
 Current Work Address
 Collins NY 14034-0340
 County, City State Zip Code

Defendant 3:

STATE OF NEW YORK
 First Name Last Name Shield #
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code

Defendant 4:

Doctor Jin
 First Name Last Name Shield #
 Doctor At Collins
 Current Job Title (or other identifying information)
 Collins Correctional Facility
 Current Work Address
 Collins NY 14034-0340
 County, City State Zip Code

Defendants

Defendant 5: Department of Corrections (Collins)

Collins Corr Fac

P.O Box 340

Collins NY 14034-0340

Defendant 6: C.O Bentley

Corrections Officer

Collins Corr Fac P.O Box 340

Collins NY 14034-0340

Defendant 7: C.O Turner

Corrections Officer

Collins Corr Fac P.O Box 340

Collins NY 14034-0340

Defendant 8: SGT Gornot

SGT C.O

Collins Corr Fac P.O Box 340

Collins NY 14034-0340

Defendant 9: SGT Lewis

C.O

Collins Correctional Fac

P.O BOX 340

Collins NY 14034-0340

Defendant 10: Ofc Jane Doe (working Draft Room on (3-20-25 1pm)
OFFICER

Collins Corr Fac P.O Box 340

Collins NY 14034-0340

Defendant 11: Ofc John Doe (Stripped search me w/camera on (3-20-25) 12pm
OFFICER

Collins Corr Fac P.O Box 340

Collins NY 14034-0340

Defendant 12: SGT John Doe (Working in the Box (8-4-24) ^{Evening}
SGT OFFICER

Collins Correctional Fac P.O Box 340

Collins NY 14034-0340

Defendant 13: C.O Jones (worked S.H.U 3-25-25) ^{Morning}
OFFICER

Collins Correctional Fac P.O Box 340

Collins NY 14034-0340

V. STATEMENT OF CLAIM

Place(s) of occurrence: Collins C.F., Collins S.H.U./RRU Side 1, Side 2

Date(s) of occurrence: 8-4-24, Mid Sept 2024, Nov 2024, 3-20-25, 3-25-25 (Now Still)

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

Late Jan, early Feb I was Moved From Side 2 to Side 1 at Collins C.F. I was Moved to B-2 Housing Unit. The Post where OFC Bentley is the Steady. It was clear from the start Bentley didn't like me, because every chance he got he would harass me and search me for no reason. Out of fear sometime in March 2024 I called my sister and we Recorded a Complaint about Bentley to Albany explaining that he was harassing me & he was known to plant weapons on T.I's. I attempted to Grieve Bentley Harassment of me but none of my Grievances were answered. I believe he threw them away. Months later on Aug 4th Bentley, stopped me for a random search & planted a Homemade Shank/weapon on Me. A Toenail Clipper wrapped in Cloth. I was sent to the SHU where Sgt. Doe & his C.O's threatened to kill me. They put me in a wet unhygienic Dirty Cell without a mattress. I Slipped on the wet Floor Banged my head & Passed Out. When I came to I realize Sgt Doe had me put in the Suicide chair. He did this out of Hate & as retaliation. I did nothing to warrant Suicide watch & upon realizing the Conditions in my cell were inhumane they moved me to a more up to Par Cell. My Request for a Grievance was Denied/and ignored throughout the duration of my Stay in the Box

I was released from the SHU on the 22ND of Aug
 Because Bentley planted that weapon on me it caused
 me to get kicked out of J. CC College. I was
 enrolled in & I had to spend my B-day in the
 SHU. Which caused alot of my previous mental order
 to resurface like PTSD anxiety, nervousness, I felt
 unsafe. I was scared that C.O Bentley & his Military friend
 would retaliate against me and I had to constantly
 watch my back whenever he worked. The following SAT
 I was released from the Box C.O Bentley worked Side
 2 mess Hall & on camera asked me Hey what you doing
 out the Box, and I replied Im just trying go home,
 and proceeded to eat breakfast. Until this day C.O
 Bentley still harass & say smart remarks. I ignored him
 I am scared of Retaliation I am fear C.O Bentley
 and his cronies he is sneaky & underhanded. I believe
 I should be compensated for everyone of the 18
 days that I spent in the SHU for the false charges
 Bentley tried to place on me. Sometime in September
 of the Year 2024 I had a mental Breakdown
 Crisis I left out the Dorm D-2 54 bed during or
 after 10-11 PM count and walked unescorted out
 of the Dorm to medical to see OMH. The doors
 were unlocked to our Dorm they were suppose to
 be secured they is no way possible I should of
 made it by the OFCs working the Rover Station. There
 is a Big mirror / nobody was payn ATTN. During the
 count it was discovered I was missing the
 was then placed on lockdown. I was soon found
 at Medical where I tried to explain to Sgt
 Gornot & OFC Turner that I was having mental
 health and need assistance. Gornot & Turner assaulted
 me on camera Gornot punched me while I was
 messing up my Jail Tatoo & Turner dragged me
 & kicked me in the Head

On or around the end of January or early February the year 2024, I was an IT at Collins C.F. I was housed inside the messhall unit.

Early February I was moved from Side 2 to Side 1 to OFC Bentley housing unit (B-2). It was clear that OFC Bentley did not like me. I did my best to stay out of his way & off his Radar but he kept harassing me. Out of fear that Bentley had it out for me I filed a report against Bentley through my Sister with Kathy Hochul Office informing them about Bentley and how I believed he was out to get me & rumors had it that Bentley like to plant weapons on IT's. So to protect myself I filed a report w/ Kathy and attempted to put a Grievance in that no one responded back to I believe Bentley threw the Grievance out because after I placed it in the Mail Box no one came to answer it. Later on that year on Aug 4th 2024 C.O Bentley placed me on the wall and planted a Homemade Shank/weapon on me. He took a Worned out toe nail clipper and dressed it up w/ a Gloth so it could have grip and look more like a weapon. I was placed in Box after the C.O planted the weapon on me. When I arrived in the SHU The C.O's and Sgt threaten to kill me. They put me in a cell w/o a mattress and that was filthy & wet as a result I slipped Fell hit my head & temporarily passed out due to a Concussion. C.O's dragged me out the wet cell & strapped me up to the Suicide Chair out of Hate/anger retaliation because they felt I was being too problematic. I was Denied Grievances throughout the duration of my stay in the Box. After going through my Hearing and request B/cam Footage and other evidence, the Hearing Officer came to the conclusion that there was not enough evidence to support a Guilty Verdict. That if C.O Bentley did in fact find a weapon on me as he claims then it should have been on V/F. The only thing video footage show was him in Poss of a weapon claiming he found it on me.

I was Placed Bq in my cell w/o Any Medical cream for my Feet & w/a Promise to receive my Property, As I write this 3-26-25 I still AS of yet to receive my Property or a change of cloths at least & my requests for cleaning Supplies have been ignored. Our cells are Filthy & No one comes around with Mops Broom or Germicide. All of this has effect my mental health and quality of life these are truly inhumane conditions. I am sitting in the Box w/NO access to Law Library so I cant Prepare a proper Defense to Law my tickets. I am also being held illegally / Indefinitely because I have not had a hearing yet. I am well aware that there are procedural laws to protect my Rights when being Place in the SHU, But to protect IT I am forced literally to sit in my filth & the Dark Not knowing anything stuck in limbo unable to Prepare a adequate defense against my tickets. These inhumane conditions and against medical care has caused my mental inadequate rapidly deteriorate. And a whole list of health ailments. These accumulating circumstances have physical Contemplating Suicide because that looking like the ONLY way to escape this living Hell. Collins is a Crooked Jail and needs a Overhaul from Top to Bottom. Both Superintendents are aware of the unlawful conditions IIS are dealing with as well as SGTs working Box of C Jones Goes around the Box antagonizing IIS while denying them there minimal standards even what he worked.

When requesting my property he basically said I am
a crackhead and I want my property for drugs
which is a false claim & not supported by
any evidence

Since arriving in Collins Stn I've been requesting Grievance Law Library, Change of cloths, My medication etc etc, Access to Court and Proper Medical care has been denied Thus far. No Property Has been giving to me. I have been wearing the same pair of cloths since 3-20-25. The lack of clean cloths affect my Hygiene & Health & has caused my feet to crack and grow Fungi they hurt and I am in extreme Pain I also developed a Rash in Groin Area due to Horrible conditions. None of my Sickcalls have been answered & Promises for X-RAYS & MRIs on my HAND, BACK & Knees have not kept. Ofcs in the Box do Rounds & ignore TIS pleas for help. 3-21-25 Sgt Lewis did Rounds and winked at me while ignoring my plea for help. It took 4 days for the Nurse to take my Sickcall & took 5 days for me to receive my Self Carry Meds. Although they was here already, Superintendent did Rounds 3-22-25 & is turn of those Box conditions. Supintendant of Programs did rounds 3-23-25 In the morning I made the Program lady aware of my horrible living conditions and lack of adequate medical Care. I told her of my feet Hand and my property & lack of law library, And that these conditions were affecting my mental health and quality of life she put me down to see OMH & the Nurse took a sickcall for DR Jin to look at my Feet, I was on watch for 1-2 hrs and was visited by OMH & Dr Jin. Dr Jin check my Hand And Feet said he would prescribe sum 10 ~~POR~~ ~~the~~ ~~pain~~ and Cracks in my feet & Hand he said my Hand is ok But it's not it Hurts to write Grabs things and to touch.

They placed me in Suicide watch for the night but did not give me any disciplinary actions hoping that the other IIS would hurt me believing that I was pulling a stunt to avoid others that I owed money to which was not the case I had a OMH problem & needed help. I did not Grieve the assault by Turner & Gornet because I feared retaliation. Both have Bad RePS here at Collins. Turner for planting weapons and sexual assaulting inmates on Search and Gornet actually cut an IIS. I was moved to ASAT in Nov '2024, C.O Turner while visiting our Dorm decided to Harass IIS and do Random walk around Search even though he was not working our Dorm. He does this to anger and Incite IIS. During his walk he discovered a Bag of Hoach/homemade under my bed. Rather than dispose of it & give me a ticket he decided to pour it all over my clothes & ~~LI~~ Mail Destroying most my legal work and Ruining my P. Out of fear of being kicked out of pg ASAT for Harass I did not report ofc Turner. Unprofessional tactics to discipline me. ~~ASAT~~ **THAT ASAT** is mandatory pg to go Home & ~~is~~ **is** detrimental to IIS Release Date. Removal violated my property/legal mail knowing that so he to make a fuss out of it I would be negatively removed from the pg. On 3-20-23 I was sent to the Box around 11-12pm by Sgt Lewis. I was sent to the Strip on camera twice fully naked spread cheeks and lift my privates. Ofc Jane Doe who was in charge of watching me ignored my request for T.P on camera until I made a Rockus did Sgt Lewis make her get me T.P. I accidentally started myself due to stomach problems from previous injury I cant hold my Bowel for to long & take mess

8-22-24 I was released from the Box, I was Found not Guilty because of Lack of Evidence, I did 18 days in SHU and was Removed from J.C.C (college) because of the ticket. I was released back on the compound to Side 2. I feared Bentley & his C.O buddies so much I decided not to Grieve him in fear of Retaliation. The Following Saturday Bentley worked Side 2 Mess Hall (Breakfast) and on Camera asked me what am I doing out the box, Using his intimidation tactics. I told him I just wanna go home.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

P.T.S.D, Anxiety, Insomnia, Foot Fungi, Cracked skin Feet, Rashes, Depression, Hand Pain worsening, Headaches, paranoia, Back Pain, Neck PAIN. I am taking Meloxicam for Pain & Foot Cream. I am waiting to see G.M.H. About Presuming Medication.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

20 million dollars, Immediate release from the SHU. Access to LAW Library Tablets or Access to personal Tablet while in SHU. Mandatory weekly Clean up for SHU inmates at Collins. Mandatory Commissary for inmates because staff are not running RRU program so they have everything in commissary and don't get IT'S Commissary fast enough.

I should be compensated for the 18 days I was forced to do in the Box. Sometime in September of 2024, around 10pm Count, I walked out of my housing Unit through the unsecured doors of D-Block after ~~the~~ suffering a Mental Crisis, I walked unescorted and unsupervised down to Medical. I explained to them that I felt like I was a danger to myself & others & needed to speak to OMH, I was punched by Gornot & kicked and Dragged by C.O Turner. All while handcuff I had a Jailhouse tattoo that was destroyed because Turner Dragged me. I was Placed on Suicide Watch for the night. No disciplinary action was taken against me, SGT. Gornot believing that I owed out money and Commissary to other ITS allowed me to Return back to my Housing Unit in Hopes that I would get assaulted. He believed I pulled a Stunt to avoid paying debts. In his mind he was feeding me to the wolves. Proper Protocol would of been Box time and or escaped charge. At least a Out of Place. Out of Fear of Retaliation I did not Grieve Gornot & Turners Assault. They both have BAD REPS AND Numerous Complaints against them. Gornot actually Cut an Inmate Beore, and C.O Turner is Known for squeezing ITS testicles. Sometime in Nov²⁴ ASAT Dorm Turner Came to my cube & Poured Hooch all over my cloths and legal work, He Could of disposed of it and wrote a ticket but he decided to destroy my property and Ruin my legal work. On 3-20-25 I was sent to DA to be Prepared for transfer to the Box. by SGT Lewis II. was Force to Strip by SGT Lewis and C.O JOHN D. Camera. Fully Naked Spread Eagle.

After the humiliating Strip Search I was placed in a
 empty holding Cell to await transfer to the Box. C.O
 Jane Doe Denied me Toilet Paper, even though I begged
 her for some. I told her I had a weak stomach.
 She ignored me so I ended up Soiling my pants with a Shart
 I've had Surgery on my stomach & have trouble holding my
 bowels. Since arriving in Collins SHU (3-20-25) I've been
 denied Grievances, Library, Change Of Cloths, Access to Court
 and my Medication. Access to Court & Proper Medical Care is
 essentially non-existent in Collins SHU. I was force to wear the
 same Cloths/underwear for a whole week straight. 3-20-3-27. Lack
 of clean cloths effected my health & hygiene. It caused me to Break
 in Rash all over body & it caused my feet to Crack & Skin on feet
 to die. It also cause fungus to start growing on toes. None
 of my Sickcalls are being answered. Dr. Jin and his Staff were
 suppose to Schedule a Xray for my Hand it is my dominant hand
 and was injured back in February (18-19) after a slip and
 due to on salted grounds. Civillian. Staff & C.O's who
 work the Box and do rounds Ignore I.T.'s pleas for
 C.O Jones denied me Toilet paper Soap, and the bare minimum
 Items I am entitled to. He is confrontational when I
 Chooses to interact with I.T.'s, He is deliberate indifference
 to the Conditions hear and is a Main Stay Officer
 took 4 days From 3-20-25 for nurse to take my Sickcall
 5 days before I received my self carried meds
 took 168hrs for the Jail to give me my Proper

The Cells are in Inhumane Conditions and they do not do no type of Clean up. No bleach or Germicide. No Mops or Brooms. Nothing at all. Superintendant Kelly did rounds (on 3-22-25)³ regularly and is aware of the conditions IJ's are forced to live in. She is also aware of the fact that SHU Inmates are being denied access to Law Library. The Deputy of Program did rounds on 3-25-25 7-8am. I stopped MS Vannote & made her aware of the atrocity I am suffering, the violations to my Constitutional Rights, Inhumane Conditions, and lack of a Law Tablet so I may prepare a proper defense for my ticket hearing. I made her aware of the toll these conditions has placed on my mental health. These conditions have effected my quality of life. She made me see O.M.H. STAFF & Dr Jin came to check my hand saying its not broke. My HAND is in extreme pain and Dr Jin is forcing me to suffer pain because he is incompetent. It hurts to Grab, Squeeze, write & touching it (PAINFUL). I am sitting in the Box w/no access to Court so I cant prepare a proper defense w/o Law Tablets. I am being held illegally and indefinitely. I know this to be true because I have not had a ticket hearing yet. I am well aware that there are procedural Laws to protect IJ's Rights when being placed in SHU, but without Law Tablets (Access) I am forced to literally sit in my Filth and in the Dark, Not knowing anything unable to build a proper defense.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>3-28-25</u>		<u>M Bell</u>
Dated		Plaintiff's Signature
<u>Malcolm</u>	<u>J</u>	<u>Pitt</u>
First Name	Middle Initial	Last Name
<u>Collins Correctional Facility</u>		
Prison Address		
<u>Collins</u>	<u>NY</u>	<u>14034-0340</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

3-28-25